

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 28018 of 2005(I)

AGAINST THE ORDER IN IA..2049/05 & 3076/05 IN
OS.30/2003 of ADDL.M.C.-1,KOZHIKODE.

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PETITIONER:

N.RAMACHANDRAN NAIR, S/O.RAGHAVAN
PILLAI, RESIDING AT SIVA SAILAM,
EAST HILL, KOZHIKODE-5.

BY ADV. SRI.S.V.BALAKRISHNA IYER (SR.)
SRI.HARISH R. MENON

RESPONDENTS:

1. CALICUT TIMES, REPRESENTED BY ITS
CHIEF EDITOR, KAMMATHY LANE,
KOZHIKODE, NAGARAM AMSOM, DESOM, KOZHIKODE TALUK.
2. MALAYALA MANORAMA CO.LTD.,
REPRESENTED BY ITS CHIEF EDITOR K.M.MATHEW,
WAYANAD ROAD, KOZHIKODE 673 011.
3. THE NEWS EDITOR, MALAYALA MANORAMA
CO.LTD., IN DO. DO.
4. THE MATHRUBHUMI PRINTING & PUBLISHING
CO.LTD., REPRESENTED BY ITS MANAGING DIRECTOR,
K.P.KESAVA MENON ROAD, KOZHIKODE-673 001.
5. K.GOPALAKRISHNAN, EDITOR,
MATHRUBHUMI DAILY, THE MATHRUBHUMI PRINTING
& PUBLISHING CO. LTD., IN DO. DO.
6. M.P.PRADEEPKUMAR, S/O.M.O.P.NAMBIAR,
TECHNO TOP, VAIKOM MUHAMMED BASHEER ROAD,
KOZHIKODE-1, NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

7. A.VISWANATHAN, S/O.APPU NAIR,
RESIDING AT VISWAM, POST CIVIL STATION,
KOZHIKODE-673 020.

8. DAFFODILS EDUCATIONAL & CHARITABLE
TRUST, REPRESENTED BY ITS MANAGING TRUSTEE,
M.P.JAYAN, S/O.M.P.KRISHNAN MANAKKATT PARAMBA
HOUSE, WEST HILL, KOZHIKODE-673 005, KACHERI
AMSOM, DESOM, KOZHIKODE TALUK.

R4 & R5 BY ADV. SRI.T.G.RAJENDRAN
R6 & R7 BY ADV. SRI.AVM.SALAHUDIN
R2 & R3 BY SR.ADV.SRI.K.P.DANDAPANI
R1 BY ADV.SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)
R8 BY ADV. SRI.P.K.SAJEEV

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC.28018/05

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF I.A.2049/05 IN O.S.30/03 MUNSIFF'S COURT-IA,
KOZHIKODE, DT.20.6.05.

EXT.P2 – TRUE COPY OF COUNTER FILED BY R6 & R7 IN IA.2049/05 DT.30.1.05.

EXT.P3 – TRUE COPY OF ORDER IN EXT.P2 IA., DT.8.8.05.

EXT.P4 – TRUE COPY OF ORDER OF ADDL. MUNSIFF-I, KOZHIKODE IN I.A.3076/05
IN I.A.2049/05 IN O.S.30/03

/TRUE COPY/

PIUS C. KURIAKOSE, J.

.....
W.P.(C)No.28018 OF 2005
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DATED THIS THE 26TH JUNE, 2007

J U D G M E N T

The submissions of Mr.S.V.Balakrishna Iyer, Senior Counsel notwithstanding, I am not able to say that Ext.P3 order dismissing the application under Section 10 for stay or Ext.P4 order passed on an application seeking review of Ext.P3 are vitiated to the extent of justifying interference by this Court under Article 227 of the Constitution. The matter directly and substantially in issue in the earlier suit is not directly and substantially in issue in the subsequently instituted suit. But, as rightly submitted by the Senior Counsel, the result of the earlier suit can have some bearing on the prospects of the subsequent suit. Considering this aspect, even as I confirm Exts.P3 and P4, I order transfer of O.S.No.30 of 2003 which is pending before the Additional Munsiff-I, Kozhikode over to the Principal Sub Court, Kozhikode which is presently trying O.S.No.215 of 2003. It is open to any of the parties to move the Sub Court for consolidation and joint trial of the two suits.

The Writ Petition is disposed of as above. No costs.

(PIUS C.KURIAKOSE, JUDGE)

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